

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**HEATHER MARSH**

**Plaintiff**

**v.**

**NANCY A. BERRYHILL<sup>1</sup>**

**Defendant**

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**CIVIL ACTION NO. 3:16-2163**

**(MANNION, D.J.)  
(CARLSON, M.J.)**

**ORDER**

Pending before the court is the Report and Recommendation (“Report”) of Magistrate Judge Martin C. Carlson, which recommends that the final decision of the Commissioner denying the plaintiff’s claim for disability benefits be affirmed and that judgment be entered in favor of the defendant. (Doc. 18). The plaintiff has not filed any objections to Judge Carlson’s report, and the time within which she was permitted to do so has expired. Upon review, the Report will be adopted in its entirety.

Where no objection is made to a Report and Recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error

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<sup>1</sup> On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of Social Security. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for Carolyn W. Colvin as the defendant in this suit.

on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes. See also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every Report and Recommendation)). Nevertheless, regardless of whether timely objections are made, the District Court may accept, not accept, or modify in whole or in part the findings or recommendations made by the Magistrate Judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

On appeal from the Commissioner’s decision, the plaintiff argues (1) that the Administrative Law Judge (“ALJ”) erred in failing to find that the plaintiff was *per se* disabled due to her psoriasis at Step 3 of the 5-step sequential process governing Social Security disability claims and (2) that the ALJ’s determination at Step 5 that the plaintiff was not disabled failed to adequately account for her psoriasis. (Doc. 8).

In carefully considering the plaintiff’s claims, Judge Carlson appropriately concludes that substantial evidence supported the ALJ’s well-explained determination. The ALJ’s opinion meets all legally-prescribed benchmarks, and the evidentiary record in this case was adequately developed. The court has reviewed the reasons presented by Judge Carlson

for recommending that the court affirm the Commissioner's decision and direct that judgment be entered in favor of the defendant. Because the court agrees with the sound reasoning that led Judge Carlson to the conclusions in his Report and finds no clear error on the face of the record, the court will adopt the Report in its entirety.

Now, therefore, **IT IS HEREBY ORDERED THAT:**

(1) The Report and Recommendation of Judge Carlson, (Doc. 15), is **ADOPTED IN ITS ENTIRETY;**

(2) The decision of the Commissioner denying the plaintiff's application for disability benefits is **AFFIRMED;**

(3) The plaintiff's appeal, (Doc. 1), of the Commissioner's decision is **DENIED;** and

(3) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ Malachy E. Mannion

**MALACHY E. MANNION**  
**United States District Judge**

**Dated: April 9, 2018**